IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.4365 OF 2005

Gulam Rasool Abdul Hamid Ansari ... Petitioner

V/s.

Nisar Ahmed & Anr. ... Respondents

Mr.N.B. Khan for Petitioner
Mr.R.D. Mishra for Respondents

CORAM: **SMT.NISHITA MHATRE, J.**

DATED: **JULY 11, 2005**

P.C.:

. The Petition has been filed against the order discharging the notice taken out by the Petitioner in the suit filed by Respondent No.1. The Petitioner had sought appointment of Court Commissioner and to be added as party to the suit. Both these prayers have been negatived by the trial court. It is against this order that the present Petition has been filed.

2. According to the Petitioner, his premises are totally different from the suit premises. However, it is submitted on his behalf that in case a decree is passed in the suit No.1557 of 2002, he would be dispossessed.

3. This apprehension of the Petitioner is baseless since according to the Petitioner himself, the suit premises and the premises in his occupation are not the same. In this view of the matter, there is no need to interfere with the findings of the trial Court.

4. Reliance placed by the learned Counsel for the Petitioner on the judgment in the case of *Gulab Babusaheb Bargiri v/s. Executive Engineer, MSEB & Ors.*, **2001(1) Mh.L.J. 63** is of no avail to the Petitioner.

5. Petition dismissed.